IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2984 of 2005

Between:

V. Satya Prakash Rao, S/o. Venkataiah,
Gandhi Centenary High School (Aided), Sanga Reddy, Medak District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary, Education Department, Secretariat Buildings, Hyderabad.
2 The Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.
3 The Regional Joint Director of School Education, Andhra Pradesh, Hyderabad.
4 The District Educational Officer, Medak District at Sanga Reddy.
5 The Correspondent, Gandhi Centenary High School (Aided), Sanga Reddy, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of Writ of Mandamus declaring the action of the Respondents in not refixing the pay of the petitioner from the date of his initial appointment, not granting the increments including the notional seniority, and also not counting the unaided service rendered by the petitioner for the purpose of pension as illegal, unjust, arbitrary, discriminatory and violative of Articles 14 and 16 of Constitution of India and consequently direct the Respondents to refix the pay of the Petitioner from the date of his appointment along with increments and notional seniority and further to count the unaided service rendered by the petitioner for the purpose of calculating the pension with all other consequential benefits in accordance with Rules and also as per the law laid down by this Hon'ble Court, as was done in cases of similarly situated persons.

Counsel for the Petitioner: MR.POODATTU AMARENDER

Counsel for the Respondents: GP FOR EDUCATION

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not re-fixing the pay of the petitioner from the date of his initial appointment and not granting the increments including the notional seniority and also not counting the unaided service rendered by the petitioner for the purpose of calculating pension as illegal and arbitrary.

The petitioner is working as Telugu Pandit Grade-II. He was initially appointed on 5.7.1988 in an unaided post. Subsequently, he was absorbed as Telugu Pandit Grade-II in grant-in-aid post on 24.6.2004 and on the same day, his pay was fixed. The petitioner contends that he is entitled to the pay fixation from the date of his initial appointment in the unaided post with all consequential benefits. The petitioner submitted a representation on 5.10.2004, but no orders have been passed by the 4th respondent. Therefore, the petitioner approached this Court seeking a direction to the respondents to consider his case for re-fixation of his pay from the date of his initial appointment in the unaided post with all consequential benefits. In the affidavit, the petitioner mentioned that the Government issued orders vide G.O.Ms.No.32, dated 5.4.2004 directing to count the unaided service also for the purpose of pension and also for automatic advancement scheme in the case of teaching and non-teaching staff of Private Aided Junior/Degree Colleges. The petitioner contends that the benefit of the said Government Order was extended in respect of Telugu Pandit Grade-II also. He further contends that he is also entitled to the benefit as per the Government Memo No.9968/PS-I/2001, Education (PS) Department, dated 7.8.2002.

In the light of the contentions made by the petitioner, the 4th respondent is directed to examine the case whether the benefit under the above mentioned Government Order and Government Memo can be extended to the petitioner and pass appropriate orders on the representation, dated 5.10.2004 in accordance with the rules in force, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J)

21st February, 2005.

bcj

To

1 The Secretary, Government of Andhra Pradesh, Education Department, Secretariat Buildings, Hyderabad.
2 The Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.
3 The Regional Joint Director of School Education, Andhra Pradesh, Hyderabad.
4 The District Educational Officer, Medak District at Sanga Reddy.
5 Two C.Cs. to the Government Pleader for Education, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies.